

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ENTERCOM BOSTON, LLC,

Plaintiff,

v.

Civil Action No: 05:11410-NMG

TASTE-BOSTON & MAURA DOWNES,

Defendants.

**MOTION FOR ENTRY OF CONSENT JUDGMENT
AND PERMANENT INJUNCTION**

Plaintiff Entercom Boston, LLC, moves for entry of a consent judgment and permanent injunction in the form attached hereto as Exhibit A, as settlement of this action by the parties. Defendant Taste-Boston and its sole principal defendant Maura Downes consent to this motion. Local Rule 7.1.

ENTERCOM BOSTON LLC

By its Attorneys,
BURNS & LEVINSON LLP

By: /hsusser/

Howard J. Susser (BBO # 636183)
Anne C. Pareti (BBO# 660496)
Burns & Levinson LLP
125 Summer Street
Boston, MA 02110
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Dated: May 23, 2006

Certificate of Service

The undersigned certifies that this document was served on May 23, 2006, on defendant by mail and electronic mail, with a courtesy copy to defendant's former counsel who withdrew in this matter.

/hsusser/

Howard Susser

**UNITED STATES DISTRICT COURT
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ENTERCOM BOSTON, LLC,

Plaintiff,

v.

Civil Action No: 05:11410-NMG

TASTE-BOSTON & MAURA DOWNES,

Defendants.

FINAL CONSENT JUDGMENT AND PERMANENT INJUNCTION

Plaintiff Entercom Boston, LLC (“Entercom”), and Defendants Taste-Boston and Maura Downes (“Defendants”), have submitted to the Court this Consent Judgment and Permanent Injunction, including the following stipulations, which are hereby approved and adopted by this Court as Final Judgment in this matter:

1. The Court has jurisdiction over the parties and the subject matter of this action.
2. Entercom is the sole and exclusive owner of the valid and enforceable federal common law trademark “TASTE OF BOSTON” for use in providing services in connection with its event, including, without limitation, food, wine, food and wine tasting and restaurant sampling, and related services.
3. Entercom is the sole and exclusive owner of the valid and enforceable common law and registered Commonwealth of Massachusetts Trademark, Registration No. 48,428, for the trademark “TASTE OF BOSTON.”
4. Defendant Taste-Boston is a business with an Internet website with the domain name www.taste-boston.com. Defendant Ms. Maura Downes is an individual living in Boston, Massachusetts, and is the sole owner and principal of Taste-Boston.
5. The use by Defendants of the terms, designations, trademarks, tradenames or domain names “TASTE-BOSTON.COM” or “TASTE-BOSTON” has caused and is likely to cause confusion with Entercom’s trademark “TASTE OF BOSTON,” constitutes trademark infringement, false designation of origin, and dilution of Entercom’s famous trademark under applicable federal and State laws.

PERMANENT INJUNCTION

This cause having come on for hearing and by and with the consent of the parties, it is hereby Ordered, Adjudged and Decreed that:

1. Defendants Taste-Boston and Ms. Maura Downes ("Defendants") and their officers, agents, servants, employees and attorneys and all those in active concert or participation with them are permanently enjoined and restrained directly and indirectly from:
 - a. Using through any medium the terms or designations "TASTE OF BOSTON" or "TASTE-BOSTON" or "TASTE-BOSTON.COM" or any other confusingly similar term, trademark, tradename, or domain name that uses "TASTE" in proximity to "BOSTON," in manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising, promoting, renting, displaying or otherwise disposing of any products or services, including in connection with any Internet website;
 - b. Engaging in any course of conduct likely to cause confusion, deception or mistake, or to injure Plaintiff's business reputation or dilute the distinctive quality of Plaintiff's trademark "TASTE OF BOSTON";
 - c. Making any statement or representation whatsoever, using any false designation of origin or false description, or performing any act which can or is likely to lead any person or entity to believe that any products or services manufactured, distributed, sold or marketed by Defendants are in any manner associated or connected with Plaintiff, or sold, manufactured, licensed, sponsored, approved or authorized by Plaintiff;
 - d. Effecting assignments or transfers, forming new entities, associations or websites, or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in subparagraphs (a) through (c), above.
2. Within five business days of the entry of this Permanent Injunction, Defendants shall surrender and assign to Plaintiff the domain name "Taste-Boston.com" and shall take all substantive and procedural steps requested by Plaintiff that are necessary to perfect that conveyance;
3. Within five business days of the entry of this Permanent Injunction, Defendants shall destroy any goods or products or documentary materials containing the terms or designations herein enjoined;
4. Each party shall pay its own attorney fees and costs associated with this action and performance of this permanent injunction.

5. The parties consent to the jurisdiction of this Court and that this Court shall have continuing jurisdiction with regard to enforcing the terms of this Permanent Injunction;
6. In the event of a default or breach of any provision of this Permanent Injunction by Defendants, Plaintiff shall be entitled to all costs and expenses arising out of said default or breach, including reasonable attorney fees paid or incurred by Plaintiff in enforcing and obtaining Defendants' performance of the terms hereof, in addition to any fees, damages or injunctive relief awarded by the Court.

Dated: _____, 2006

The Honorable Judge Nathaniel M. Gorton
United States District Judge
District of Massachusetts

Upon Consent of:

Plaintiff
ENTERCOM BOSTON LLC
By its Attorney,

By: 
Howard J. Sussner (BBO # 636183)
Burns & Levinson LLP
125 Summer Street
Boston, MA 02110
(617) 345-3000

Defendants
TASTE-BOSTON & MAURA DOWNES

By: 
Ms. Maura Downes
286 Cambridge Street
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17 Bowdoin Street, Suite 2A
Boston, Massachusetts

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